



**Delaware Thoroughbred Racing Commission  
Minutes of Regular Meeting Held On  
August 8, 2012**

The Delaware Thoroughbred Racing Commission held a regular meeting on Wednesday, August 8, 2012, at 10:15 a.m., in the second floor conference room of the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

**The following Commission members were present:**

W. Duncan Patterson, Jr., Chairman
Henry James Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

**The following Commission members were excused:**

Bernard J. Daney, Commissioner (listening via speaker phone)
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**The following individuals also were present:**

Ed Kee, Secretary of Agriculture
Austin Short, Deputy Secretary of Agriculture
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
John F. Wayne, DTRC Executive Director
Brent Ashley, Delaware Department of Agriculture, Intern (guest of Secretary Kee)
Robert E. Colton, Delaware Jockey's Association, Director
Fritz Burkhardt, DTRC, Associate State Steward
Mindy Coleman, Esq., Jockey's Guild, Counsel ( <i>arrived at @ 10:20 a.m.</i> )
Paul Trapani, Owner/Trainer, DTHA Board Member
Jennifer Fabryka, D.V.M., works for Dr. Jay Baldwin, Salix Veterinarian
Jeff Ganc, Delaware Park, Assistant Director of Security
Bessie Gruwell, DTHA, Executive Director
G. Jack Houghton, Jr., DTRC, Chief State Steward
Madeline Locke, DTHA, President
Shelley Perkins, DTRC, Paralegal I (recording minutes)
John T. Peters, D.V.M., DTRC, Chief Commission Veterinarian
Kathy Picciano, D.V.M., DTRC, Associate Commission Veterinarian
Ramon L. Rodriguez, DTRC, Inspector
Joe Strug, Dalare Associates, Inc., Director
Francis J. Swift, Jr., DTRC, Inspector
Jane C. Teichner, V.M.D., DTRC, Associate Commission Veterinarian
Michael Vild, Esq., Delaware Park, Sr. Vice President of Racing/General Counsel

1. **WELCOME AND CALL TO ORDER**

At 10:15 a.m., Chairman Patterson called the meeting to order and welcomed those in attendance.

A telephone connection was established with Mr. Daney.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Killeen) and seconded (Decker) meeting minutes of July 11, 2012 were approved as submitted.

3. **PUBLIC HEARING**

A. **Joseph Rocco, Jr., #ASR 06-2012 – Appeal Withdrawn**

On July 6, 2012, the Commission received a written request for withdrawal.

4. **NEW BUSINESS**

A. **Discussion on the use of cell phones and other mobile/media devices in the Jockey's Quarters during live racing**

**A-1 Background –Chairman Patterson**

Chairman Patterson introduced the subject and relayed the following background information.

- Delaware Oaks Day:  
*"On Delaware Oaks Day (July 14, 2012) I was approached by Edgar Prado who was riding that day and had brought down his I-Pad which he uses to review the charts on the horses in the race and on the horses he is riding and he wasn't allowed to use it. Also Javier Castellano approached me about it - his brother is Abel Castellano, a regular rider at Delaware Park."*
- Meeting at Saratoga:  
*"So, when we were in Saratoga, John Wayne and I met with Edgar Prado, Javier Castellano, and Ramon Dominguez, and Terry Meyocks, head of the Jockey's Guild. Terry asked if we would re-consider the ban on using cell phones and I-Pads in the jock's quarters and we assured him we would bring it up at the next meeting and discuss it."*

**A-2 Jockey's Guild – Mindy Coleman, Esq.**

Chairman Patterson noted the absence of the Jockey's Guild speaker, Mindy Coleman, Esq. In her absence, Chairman Patterson asked that Executive Director Wayne report first.

**A-3. Survey of other Jurisdictions – Executive Director Wayne**

Executive Director Wayne read the survey responses from each jurisdiction and the following table of results is provided. It is noted that the actual survey and the comments received are available upon request.

In the survey, Mr. Wayne asked:

1. Does your jurisdiction restrict the use of cell phones, I-Pods, i-Pads, or other media communication devices in the Jockey's/Driver's Room on live race days?
2. If permitted, what are the conditions for their use?

Jurisdiction	Allowed	Not Allowed
Arizona	X	
Delaware		X
Florida	X	
Illinois	X	
Indiana	X	
Iowa		X
Kentucky	X	
Maryland	X	
Massachusetts	X	
Mexico		X
Michigan	X	
Minnesota		X
Nebraska		X
Nevada	X	
New Jersey		X
New York		X
Oregon		X
South Dakota	X	
Texas		X
Washington		X
Wyoming		X

**A-4. Position Statement – DTRC Board of Stewards**

As shown below, in a letter to the Commission, the DTRC Board of Stewards submitted their recommendation to keep rule 8.10.2 intact and not allow use of electronic communication devices in the Jockey's Room.

*August 7, 2012*

*To Delaware Thoroughbred Racing Commission  
Re: Wireless communication from the Jockeys quarters  
Dear Commissioners:*

*We are writing this to try and help the horsemen, betting public and all of the participants to understand why we need the current rule 8.10.2 in the State of Delaware to be kept in place and enforced.*

*First of all it is our belief that the rule was enacted for protect the integrity of racing. To allow any communication from the Jockeys quarters would be detrimental to the public image that we in racing are trying to protect.*

*Under our rule no information should be allowed to be communicated from the Jockeys quarters unless monitored by a racing official as to the content. To allow this type of communication, which could not be monitored in any manner, and allowing the possibility of wagering information being disseminated from cell phones, computers, I pads, texting, facebook, or countless other ways should not be allowed.*

*Concerning the issue of riders being able to communicate in case of an emergency, phones are available in the scale room, which can be used at any time but are monitored by the clerk of scales or the Jockeys room custodian. Pertaining to access of race information a daily racing form and daily program are provided and is available to all Jockeys concerned with past performances.*

*Thank you.  
Sincerely  
The Stewards  
Jack Houghton, Jr.  
Fritz Burkhardt  
Dennis Lima"*

**A-5. Jockey's Guild – Allow Use**

Ms. Coleman, counsel for the Jockey's Guild, apologized for her delayed arrival (10:20 a.m.) and addressed the Commission and argued in favor of lifting the ban on cell phones and other mobile/media devices.

Mr. Vild asserted Delaware Park Management's opinion that the rule remain as is for reasons asserted by the stewards.

Upon a motion duly made (Stegemeier) and seconded (Killeen) the Commission voted not to change rule 8.10.2.

- *After the vote, Chairman Patterson remarked that he believed the rule to be antiquated and asked Ms. Coleman to meet with Mr. Houghton and Mr. Colton to determine if there is an alternative to the existing rule that is acceptable to the Stewards and Jockeys.*

Commissioner Decker remarked that in casting his vote he did so “*without prejudice and with a willingness to consider alternatives*”, and stated that “*our actions here are not to take a shot at the jockeys or to complicate their life and their health and safety.*”

**B. Delaware Racing Association 2012 Capital Budget – June 2012 Update**

Delaware Racing Association presented for review their June 2012 update to the 2012 Capital Budget.

In reference to the earlier conversation, Commissioner Decker asked that provisions be made in the budget to provide for replay machines in the jockey's quarters.

Commissioner Decker inquired as to the meaning of “disaster recovery on three properties.” Mr. Vild will find out and respond.

Commissioner Decker remarked on improvements Delaware Park has made to its backside, and the millions of dollars spent, believing it is a story that goes untold. Chairman Patterson concurred and reported that a friend of his who is a trainer just moved into Delaware Park two weeks ago and said his workers are so pleased to be living there.

**C. Salix**

Commissioner Stegemeier remarked that if most all run on Lasix (Salix) shouldn't we think about taking the “L” out of the program.

Commissioner Stegemeier inquired of Dr. Peters, asking how many horses racing are not on Salix. Dr. Peters replied that, in his estimation, 9%. Mr. Strug, the director of Dalare Associates, added that 100% of the winners are on Salix.

5. **REPORT FROM EXECUTIVE DIRECTOR**

A. **Summary of Activities Report**

Executive Director Wayne submitted his written report to the commission and read into the record the statistics for the period July 1 to July 31, 2012. Report details included the following:

	<u>July 2012</u>	<u>Year-to-Date</u>
Number of persons fingerprinted .....	11 .....	75 .....
Fingerprint fees collected .....	\$790.00 .....	\$5,925.00 .....
DTRC Licenses issued .....	472 .....	3,649 .....
Amount of fines collected .....	\$ 1,050.00 .....	\$7,735.00 .....
License fees collected .....	\$20,910.00 .....	\$128,270.00 .....
National Surveys Answered .....	9 .....	
Police Contacts .....	3 .....	
VLEU Contacts .....	5 .....	
National Racing Compact Reviews .....	8 .....	
FOIA Inquires .....	0 .....	
Public Inquiries .....	10 .....	
Media Inquiries .....	1 .....	
Human Drug Tests Administered .....	12 .....	
Positives .....	2 .....	
Jurisdictional Inquiries .....	15 .....	
National Applications Processed .....	49 .....	
Out-of-Competition Testing .....	20 .....	

6. **REPORT FROM CHIEF COMMISSION VETERINARIAN**

A. **Veterinary Statistical Health Report**

Dr. Peters reported zero horse deaths due to racing in July 2012. 3 deaths occurred in training; 1 left front sesamoid fracture, 1 right front sesamoid fracture, and 1 condylar fracture. One horse sent to New Bolton Center for diagnosis of Equine Protozoal Myeloencephalitis (EPM).

So far in August, Dr. Peters reported one horse death due to Methicillin-resistant Staphylococcus aureus (MRSA) in carpal canal (euthanized) and one death during training.

B. **Shock Wave Therapy**

41 shock wave treatments reported.

Jockey's Guild counsel, Ms. Mindy Coleman, remarked that the Jockey's Guild used Delaware's shock-wave therapy rules as a guide during their rule writing process.

C. **Bleeder Certificates**

296 bleeder certificates received.

7. **REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION**

A. **Delaware Certified Thoroughbred Program Report**

Executive Director Gruwell submitted the attached report for the Delaware Certified Thoroughbred Program.

8. **PUBLIC COMMENT**

Chairman Patterson recognized the following attendees for public comment.

**Secretary of Agriculture, Ed Kee**

Secretary Kee commended the Commission for their engagement and thoroughness in all they do. Secretary Kee introduced Deputy Secretary, Mr. Austin Short, and intern, Mr. Brent Ashley.

Secretary Kee indicated that there was an adjustment made to the meeting schedule for Executive Order 36.

**Mr. Joe Strug, Director, Dalare Associates, Inc.**

Mr. Strug remarked that the industry needs to look at the regulation of corticosteroids. Chairman Patterson added that one of the discussions held at Saratoga involved increasing the veterinarian's responsibility in disciplinary sanctions. Commissioner Decker remarked that the enforcement of veterinarian responsibility is not without controversy and requires further discussion on enforcement methods.

**Ms. Madeline Locke, DTHA President**

Ms. Locke asked if there had been further discussion about the veterinarians inputting into a database what they administer. Chairman Patterson remarked on a famous case in harness racing out of New York was based on the records that the veterinarians supply. Mr. Strug commented that the USEF has a policy of filing a report when a violation is found.

9. **EXECUTIVE SESSION**

At 11:50 a.m., upon a motion duly made (Killeen) and seconded (Decker) the Commission was moved into executive session to discuss personnel.

10. **ADJOURNMENT**

At 12:45 p.m. the meeting was adjourned. The Commission will meet next on September 12, 2012.